REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-17 remain pending in the application.

In this response, independent claims 1, 17 and 18 have been amended to clarify the subject matter for which protection is sought. Support for the amendments is found in the specification taken as a whole.

Claims 1-5 are rejected under 35 USC §103(a) as being unpatentable over Felix Urbanczyk (U.S. Patent No. 4,755,802) in view of Budrick S. Caraba (U.S. Patent No. 5,022,340).

Claims 6-17 are rejected under 35 USC §103(a) as being unpatentable over Felix Urbanczyk (U.S. Patent No. 4,755,802) and Budrick S. Caraba (U.S. Patent No. 5,022,340) in view of Gannon B. Hayward (U.S. Patent No. 4,466,329).

Both of these rejections are respectfully traversed for the following reasons:

The present invention is intended to let the user know whether the fastener is open or closed. According to the claimed invention, when the fastener is open, an alert indication which is not noisy is emitted, while when the fastener is closed, no alert indication is emitted. The claimed invention achieves this alert indication sound by the provision of one of the first or second elements including a bell having a clapper or ball which sounds when the first or second elements are moved. That is, when the first or second elements are separated, the clapper or ball is free to move.

Subsequent movement of the first or second elements, caused by the item being carried for example, therefore results movement of the clapper or ball causing the bell to sound in a pleasant non-noisy chime. Conversely, when the first or second elements are brought together movement of the clapper or ball is suppressed, preventing the bell from sounding.

With the claimed invention, the state where the alert indication can be emitted and the state where no alert indication can be emitted completely coincide with the state of the

fastener being open or closed. That is to say, the two states are switched between simultaneously with the opening and closing of the fastener. This is strictly defined in claim 1 as "movement of said clapper or ball/s suppressed whenever the first and second elements are at or are moved to positions adjacent one another thereby suppressing the alert indication".

In contrast to the present invention, Urbanczyk (US 4 755 802) and Caraba (US 5 022 340) both relate to anti-crime alarms, and when the fastener (or corresponding object) is open, a loud, far-reaching noise is emitted. Once the alarm is emitted, the structure does not allow it to be stopped immediately, even if the fastener (or corresponding object) is closed. In Urbanczyk, for instance the alarm can only be disabled "by opening the compartment several inches and reaching into the interior thereof and switching off a disarming switch which disables the alarm" see abstract). In Caraba, "a retaining mechanism within the housing prevents unauthorized resetting of the trigger mechanism subsequent to activation, to prevent the ringing bells from being silenced" (see abstract).

Accordingly, neither Urbanczyk or Caraba discloses a structure where a bell in a ringing state is converted to a silent state simultaneously with closing of the fastener as in the claimed invention.

Furthermore, the "alert apparatus" according to the claimed invention is completely different from Urbanczyk and Caraba in their object, manner of use, technical field and such. Therefore, the claimed invention cannot be made by improving or modifying these references in combination.

In this connection, it should be appreciated that there is a conceptual difference between anti-crime alarms, such as that taught by Urbanczyk and Caraba, and the alert apparatus of the present invention. Anti-crime alarms used in shops, restaurants and the like are completely different from doorbells and chimes that notify a clerk that somebody (a guest or customer) has entered the shop. Though various types of antitheft alarms, doorbells and chimes are available on the market, their respective uses are well understood by all. Accordingly, nobody calls the police when he/she hears an alert emitted by a doorbell or a chime when a customer visits a shop.

Moreover, structurally, anti-crime alarms have a switch for disarming or

deactivation in addition to the switch that triggers the alarm, while alert apparatuses do not. Anti-crime alarms also have a means through which authorized users can prevent the alarm from going off.

Accordingly, it is submitted that the alert apparatus according to the present invention, and the devices disclosed in Urbanczyk and Caraba are different types of apparatuses, and the technical fields to which they belong are clearly distinguished.

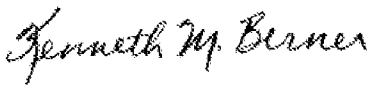
It is therefore submitted that the claimed invention is novel and non-obvious over Urbanczyk and Caraba.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
LOWE HAUPTMAN HAM & BERNER, LLP



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